the the present Grand Jury will consider the matter."

The witnesses examined at yesterday's investigation were Conductor John Dyas, Engineer Thomas Dougherty, Fireman Thomas F. Sweeny and Brakeman Frederick C. Barnum of the New Haven train; Fireman Edward C. Fyler and Conductor William Campbell of the Harlem train; Baggage Master Franklin T. Manent, Brakeman Felix Dougherty, Robert H. Myrtle, flagman at Fifty-minth street; Engineer Bowell Craig; Spencer T. Case, master car builder; Samuel W. Simonds, master mechanic; Edward Emden, tower man at Eighty-sixth street; Charles Francis Flynn, tower man at Fifty-ninth street; William F. Horn, tower man at Seventy-second street, and Joseph H. Franklin, the track manager.

manager.

The greatest care was taken to keep the testimony of the witnessees from becoming public. New York Central officials waited outside of the room in which the investigation was being made, and they warned all of the employees of the road not to talk about the accident or the testimony they had given. District Attorney Jerome said that he fully agreed with the others in charge of the investigation that the testimony of witnesses be kept secret until the inquest. But he wanted it understood from the start, he added, that the investigation would be thorough and conducted honestly and fairly. To the clamor of a sensational newspaper he would pay no attention.

BAILBOAD BLAMES THE ENGINEER. It was learned that the testimony of Track Manager Franklin was largely as to the responsibility of Engineer Wisker for the accident, assuming that the smoke and steam in the tunnel had so obscured things that he could not see the danger signals. Mr. Franklin contended that even if these conditions existed at the time of the collision it did not take any responsibility from Wisker's shoulders, because Rule 120 of the Tunnel Regulations provides that when signals are obscured engineers must bring their trains under immediate control and then feel their way until they can positively distinguish the signals. The last sentence of the rule which Mr. Franklin presented to Mr. Garvan he laid particular emphasis upon. It is as follows:

They must not at any time run at any speed at which their trains cannot be brought to a full stop from a point at which the home signals can be plainly seen by them, and before reaching the same.

"This rule speaks for itself," said Mr. Franklin. "No comment on it is necessary, save that the engineer violated it."

"SEEMS LIKE A DREAM," SAYS WISKER.

Coroner Scholer went to the Tombs late.

"SEEMS LIKE A DREAM," SAYS WISKER.
Coroner Scholer went to the Tombs late yesterday afternoon and had a long talk with Wisker—that is the way in which he spells his name, though he is down in the railread's books as "Wischow," and the Coroner, depending on what Manager Franklin had told him, gave the engineer that name to THE SUN on Wednesday. Wisker talked more freely to the Coroner yesterday than he has at any time since the accident.

"It all seems like a dream to me now," he said. "I'm in a daze and it seems impossible for me to clear my mind enough to understand what has occurred. I shall be all right, soon, I expect, and then I can tell just what occurred and how it happened."

nembers of the railroad's law department, and interviews with him. NEW YORK CENTRAL SAYING NOTHING.

The officers of the New York Central had no statements to make for publication and no explanations to offer for the accident. It was said at the office of the manager of the Grand Central Station that ne investigation had been started by the company and none would be started at present, but the officers of the road would be the their power to facilitate the investigation. present, but the officers of the road would to all in their power to facilitate the investigation now being made by the authorities, and in its own time the company would make its own investigation of the accident. Trains were running through the tunnel resterilay as regularly and smoothly as company of persons hadn't been Trains were running through the tunnel vesterday as regularly and smoothly as if nearly a score of persons hadn't been tilled and scores injured only twenty-four hours before. Except for a new engine and another man to drive it, the Marlem local, the train which did the damage on Wednesday, ran into the Grand Central station yesterday morning, made up exactly as it was the morning before it carried about all the passengers it could well accommodate, but it was noticed that the combination smoking and baggage car was emply, except for two or three car was empty, except for two or three trainings. Evidently the passengers were unwilling to take any chances of being in the front car with the possibility of another collision and waited, therefore for an after-breakfast eigar until they reached New York.

reached New York.

That New mocheliae Can Travelle EMPTY.

The South Norwalk local express, the train into which the Harlem local crashed, was no crowded as it was on Wednesday morning, but the New Rocchelie people took good care not to avail themselves of the seats in the rear car, which is unlocked for them when the train reaches their station. At New Rocchelle the crowd on the platform made a grand rush for every other car in the train, except the rear car. Not a man, woman or child wanted to rich theme and the crush in the other car. Not a man, woman or child wanted to rich there and the crush in the other car. Not a man, woman or child wanted to rich theme and the crush in the other car.

All these of the wreck were used for coats. All these of the trained were away from the tampled, except such traces as had been effect in thoral. There will be dark red application on the tunnel walk immediately marth of Fifty exact strange for long into the future to train fine spet where the of the worst accordance in the specialistic of the coat in the future of force for any and appain had in the pressing train now and again, had including money and jewelry fourned on cheed persons and in the turned over to scattere at the factories and in the turned over to scattere at the factories and the turned over to scattere at the factories and the turned over to scattere at the factories of the scattere at the factories and the turned over to scattere at the factories of the scattere at the factories and the turned over to scattere at the factories of the scattere at the factories and the scattere at the factories. MAT NEW BOCHELLE CAR TRAVELS EMPTY

LESSON BYIDENT, SAYS LOW strictly Must Replace Steam to the nei -Cantor Asia About Mir Power Mayor Low asked to be informed of the

actition of the injured in the torrest pro-

and espressed the greatest sympathy for them. Asked what he intended he ske about the acothern by said "I do not know that there is anything for Mayor to do in the matter lavorige tions are being enerted on by the Bullway Attorney. The leasest of the accident to ground-it to the anti-circumstan of closes ofty for elemen. I do not see how the sect-

dent could have been avoided under the

one of the men in the Mayor's office said that there existed an agreement made years ago under which the city had the right to name the motive power to be used in the

"Then we must find the agreement," said the Mayor. Mayor Low expressed his wish to help

and unofficially in every possible way. President Cantor of the borough of Manhattan asked the Corporation Counse yesterday to render an opinion as to whether the President of the borough has jurisdiction over such things as tunnels.

Mr. Cantor thinks that the Borough President has, and if he has Mr. Cantor purposes making an investigation of the accident of Wednesday on his own account. In speaking yesterday of the accident he said:

dent of Wednesday on his own account. In speaking yesterday of the accident he said:

"If the Corporation Counsel decides that tunnels come under my general supervision, I shall start an investigation at once. I consider that human life is much more important than dividends, and I have been long of the opinion that radical changes ought to be made both in the lighting, ventilating of and motive power used in the tunnel. I believe it is well night impossible at all times, and absolutely impossible at some times for the engineers to see the signals in the tunnel, no matter how perfectly those signals work. I know that the tunnel is at times so filled with smoke that it is impossible to see signals, for I went up there vesterday and saw things for myself. While I was there, the smoke was at times so thick that one could see but a few feet before him. The seeing of signals on the part of engineers would, I am sure, have been out of the question under such conditions as prevailed while I was on the ground."

James G. Collins, Superintendent of Highways, was instructed by President Cantor to examine and report on the tunnel and he sent some inspectors down there. He expressed the opinion later that it seemed to him the tunnel was always so filled with smoke that it was impossible for the steam to escape. Mr. Collins's reasoning will doubtless come as a surprise to some students of physics. Further Mr. Collins also volunteered the information that the collision had proved that the block system was a failure in tunnel traffic and that some safer signalling method should be devised.

Secretary Wadsworth of the Board of Health said yesterday that the board would probably take no particular action in regard to the tunnel wreck, as it was satisfied that the investigation of the District Attorney would be sufficient to cover the points of the disaster that interest the board. The matter will be brought up, however, at the board's meeting next Wednesday.

MAYBE ONLY ONE MORE DEATH. Other Injured Are Doing Well.

With a single exception, all; those who vere seriously injured in the tunnel accident were reported to be improving yesterday. The exception is Winfield Schultze of New Rochelle. At the Flower Hospital it was said that Schultze, who is suffering from burns and a fractured leg, had not rallied and he might not recover.

Everett Coffin, the new Rochelle boy who was thought to be hopelessly injured is also at the Flower Hospital. He was reported

dent in the Park avenue tunnel yesterday, and especially of the conduct of the crew of the Norwalk train involved. The evidence thus far secured tends to show that their trainmen were in no way responsible for the accident. The investigation has not been concluded.

President John M. Hall said to-day: The accident, so far as evidence now

in our possession shows, was due to the negligence of the engineer of the New York Central train. There was no blame attached to our men. The engineer of the Central train ran by both the green and red signals and despite the explosion of the "It is known also that his fireman called

"It is known also that his fireman called his attention to the signals. The fact that the accident happened at the entrance to the Park avenue tomnel does not signify anything. The same thing could have occurred anywhere. Our rear brakeman was provided with double red lights and he obeyed the rules as soon as our train stopped by immediately running back several car lengths and displaying the lanterns. Further than that he throw them at the cab of the passing engine, but apparently without any attention being paid by the engineer of the Central train."

Bronx Taxpayers Censure the Central. The Taxpayers' Alliance of The Bronx passed resolutions on Wednesday evening ensuring the New York Central Railroad consuring the New York Control Railcoad Company " for the crimnal negligence and incompetence of the officials which has rendered this accident possible," and demanding that the persons responsible for the arcident be adequately psinished, and that the railcoad company be compelled to take steps to improve its terminal facilities so that such an accident shall have easily be consisted.

Brest an Central's Mohawic Misiston. Gently. Inc. 2 - A work occurred to the Mobiletick Division of the New York Central Railroad about three miles east of this city, norty this morning. A freight train-mathematic or track 2 crashed into the rear of another freight train demolishing the extense and thorbing traffic on all forces. No liver ware lost

Promotion for Licut. Pape.

Lieut. Peter F Fope of Company B. I wenty-third Engineer, was clotted First He has been a member of the company for temporary clumps owners

Comes Brus for men Scylish Overgouts. \$20, were \$21, \$50 and \$15.

Broadway Cor. 36 49.

NEW ROCHELLE ROUSED TO ACT

MASS MEETING CALLED TO DE-NOUNCE RAILROADS.

Trains Bringing Coffins to Town Increase Public Indignation Over Tunnel Dis-- Mayor's First Proclamation One of Sympathy-Mt. Vernon Joins.

The suburban city of New Rochelle was still grief stricken yesterday by the tunnel horror to which she contributed almost the entire list of victims, but the anxiety and anguish of Wednesday had been re placed by indignation. And not only n New Rochelle, but in the other communities in Westchester county, there arose great wave of indignation against those who were responsible for such conditions as made the tunnel disaster possible.

The general indignation found oper expression yesterday in demands for pubic protests against the negligence of the railroad officers and it seems probable that for some time to come petitions and protests will stream down from the Westhester communities upon those who have the investigation into the disaster in charge In New Rochelle public feeling was in fluenced largely by the scenes of mourning with which the community was filled. In the course of the day the bodies of the victims came up by rail.

Steps for the holding of a mass meeting to consider the disaster were taken yesterday by the issue of this call, signed by former Mayor Dillon, as chairman of a committee of twenty leading citizens.

of twenty leading citizens.

Citizens of New Rochelle who desire to give expression to the general sentiment of indignation prevailing in this community as to the indifference of the New York, New Haven and Hartford Railroad Company relative to the safety of the patrons of that corporation, leading to the dreadful catastrophe of Jan. 8, which deprived our city of many valued residents by sudden and frightful death, are requested to meet at Music Hail on Saturday evening, Jan. 11, to take such action as is deemed advisable and appoint necessary committees.

Exp. Mayor Dillon and the others with

deemed advisable and appoint necessary committees.

Ex-Mayor Dillon and the others with him did not definitely decide just what action would be taken, but they said that probably a committee of ten or twelve leading residents would be formed at the meeting to take a set of resolutions down to the authorities in New York and to the railroad officials and in addition to offer its services to District Attorney Jerome in helping along his investigation. It is proposed to put on this committee men who have been engaged in similar movements before and who can testify to the manner in which their protests and petitions have been disregarded by the railroad company. Mayor Clarke of New Rochelle is to be asked to preside at the meeting. Mayor Clarke was Mr. Dillon's victorious opponent in the last election and has just taken his seat. He issued his first proclamation as Mayor yesterday. This was the proclamation:

proclamation:

A frightful calamity has befallen our community. Between the dawn and evening of a single day many happy he mes have been rendered desolate, and many loving hearts have been bowed with grief and corrow. Loved ones from many of our households, rejoicing in vigor and health, have unexpectedly been taken from us in an unforeseen and cruel manner.

rejoicing in vigor and health, have unexpectedly been taken from us in an unforeseen and cruel manner.

In view of this terrible visitation, and actuated by a sense of the great loss which our city has sustained, as Chief Magistrate I extend to the bereaved and afflicted families, on behalf of myself and the citizens of New Rochelle, sincere assurances of deep and heartfelt sympathy.

HENRY S. CLARER, Mayor.

NEW ROCHELLE, N. Y., Jan. 9.

While indignation and grief were thus being voiced in New Rochelle other communities in the county whose citizens in travelling back and forth to New York are compelled to go through the tunnel were acting also. Mayor Fiske of Mount Vernon, in response, as he said, to his own feelings and to the demands of indignant citizens, addressed a letter to Mayor Clarke of New Rochelle and Major Walsh of Yonkers, suggesting that they as Mayors of the three cities of the county hold a conference with a view to a joint official communication to the railroad companies and to wisker was in no shape to talk of responsibility or anything like that, said Coroner Scholer, and so of course I did not ask him much. But he told me a great deat about himself. He said he had been in railroad wrecks before, but in none as bad, as this. Twelve years ago he was a brakeman on the West Shore road, and in an accident he lost his thumb. He said that the fireman who was with him on Wednesday had never been with him before. He would not say anything about his side of the case because he had been advised not to talk by counsel for any other counsel. He is an in the seemed that the been work anyway, as the inquest had been two kanyway, as the inquest had been two kanyway, as the inquest had been a work anyway, as the inquest had been a work anyway, as the inquest had been and the will be all right in a few days.

The Tombs officials say that Wisker passed a sleepless night and when Warden Flynn and the Deputy Commissioner of Correction spoke to him he didn't seem to comprehen what they said. One of his first callers yesterday morning was Henry C. Failing of the law department of the New York Central. Mr. Failing had an hour's talk with Wisker, Afterward the angineer notified the warden to tell reporture that he had no statement to make. His wife, Mrs. Annie Wisker, his niece all we make the work are not first and when the comprehend what they said. One of his first callers yesterday morning was Henry C. Failing of the law department of the New York Central. Mr. Failing had an hour's talk with Wisker, Afterward the angineer notified the warden to tell reporture that he had no statement to make. His wife, Mrs. Annie Wisker, his niece all and his make the and no statement to make. His wife, Mrs. Annie Wisker, his niece all we have a supplementation into the causes of the great loss which was a the flower Hospital. He was reported that the there are the flower Hospital albert W. Adams was all the all the work of the country he dear the flower he was a way the him to the country he dear the flower head of th

Ex-Mayor Dillon, among several letters he received yesterday from indignant commuters containing suggestions, received one from J. Aspinwall Hodge of New Roehelle, suggesting that the New York authorities be appealed to to make all trains stop at the 125th street station so that those who didn't want to risk their lives could get off. Another indignant New Rochelle citizen addressed a letter to President Lederle of the New York Board of Health in which he made the same suggestion and this one, even more radical yet:

made the same suggestion and the same suggestion and the same suggestion and the same suggestion and the same steps should be taken at once to turn over the whole of the railroad property that comes down to Forty-second street to the Rapid Transit Commission on such terms as may be just. The corporations that for years have been indifferent to their duty should give the subway engineers a chance to solve their propilem.

Of the fifteen bodies of victims ten were taken up to New Rochelle on Wednesday night or yesterday. The other five will have funerals in this city. Services will be held to-day over some. The other ser-

be held to-day over some. The other services will be on Saturday.

The first funeral of any tunnel victim was that of N. G. Dimon, assistant general manager of the American Bridge Company. This was held at his home, 108 Manhattan avenue, New Rochelle, last night. Only intimate friends were invited. This morning the body will go to Aquebogue, L. I., for burial. The funerals of Mr. Leyes, the buyer of Altman's, and of O. W. Meyrowitz will take place this afternoon at New Rochelle. Both funerals will be private. The funeral of Mr. and Mrs. Howard be laried at Greenwich, Conn. dies arrived on a late train yesterday ternoon. Besides the Howards three the other victims, young Cosby, T. H. of the other victims, young Crosby, T. H. Fajardo and young Mr. Mills, will be buried

on baturday
Out of respect for the dead, flage were
at halfmast everywhere in New Rochele
restorday. The coffins as they arrived
restorday. The longe provide. Of the terriny The coffins as made of the or watched by intge encoured for was used the case of terrain of the week for Murphy, the hero of the sence, for the factoried frame for here knows in burie, for training years ago be exceed his wife and other relative from drawning in the interior of the champion buildiplayer.

New Rochalts and probably notify here.

Funcial of exclusive dunice buff: The funeral of an Police Justice Charles Doffy tony plant restorday from M. the Bosses Catholic Circlett on Queens Bernegi Premient Cassily County Clerk Lygist and as Postmaster James A. Milleren Delegations from the Democraptic Case of Guma Barroswood Boat Club

her Part Les Perritons Launches Viscolinative Int. day, 9. Yes, dealine decard run error ferrylast Edgenster Company of New York was southed from the same of the Barine & Hollengeworth Compute to men in the presence of the guests from New York Mrs A. M. Taylor, of your York named the load.

Judge Lacombe Orders Service of

penas Upon Mr. Flower. Judge Lacombe, in the United States Circuit Court, has ordered that subpoenas be served upon Anson R. Flower, Frederick P. Olcott, William G. Rockefeller, James Stillman, Robert Bacon, Leonard Lewis-ohn, P. J. McIntosh and Henry H. Rogers commanding that they appear on Jan. 14, at 220 Breadway and give testimony

before Commissioner W. Klein. These subpænas are issued on the application of Franklin Bien, representing the defendants in two actions before the Circuit Court of Montanna. These actions are brought, one by the Boston and Montana Consolidated Copper and Silver Mining Company against the Montana Ore Purchasing Company and the other by the Butte and Boston Consolidated Mining Company against the Montana Ore Purchasing Company, the Chili Gold Mining Company. John MacGinnis, Edward L. Whitemore and Carlos Warfield.

It was previously attempted to have those men testify before Commissioner Klein in Boston, but Mr. Flower resisted the order and was adjudged in contempt of court by Judge Lacombe. Mr. Flower's case was a test for the others and the United States Supreme Court has decided hat there was no contempt, as the witnesses could not be unwillingly compelled to travel more than 1000 miles from their place of residence. cuit Court of Montanna. These actions

residence.

In consequence of this decision of the higher courts it was determined to hold the examinations in New York city.

NEW SEAT IN THE CABINET.

Bill Creating a Department of Commerce Reported in the Senate. WASHINGTON, Jan. 9 .- The Senate Com-

mittee on Commerce to-day reported a bill creating a Department of Commerce. It makes the Secretary of Commerce a member of the Cabinet and transfers to the new Department the following bureaus: Life Saving Service, Lighthouse Board, Light-Saving Service, Lighthouse Board, Lighthouse Service, Marine Hospital Service, Steamboat Inspection Service, Bureau of Navigation and United States Shipping Commissioners, Bureau of Immigration, Bureau of Statistics, the United States Coast and Geodetic Survey, the Commissioner of Railroads, the Census Office, the Patent Office, the Department of Labor, Commissioner of Fish and Fisheries and the Bureau of Foreign Commerce of the State Department. A Bureau of Manufactures and a Bureau of Mines and Mining are to be established in the new Department.

AXE REACHES "MATTY" DOWDEN. Insatiate Redfield Lops One Dear to Willoughby Street.

City Works Commissioner Redfield of Brooklyn has abolished the places of Chief Clerk and cashier in the old Department of Highways and dismissed Marriott T. Dowden and Michael Hayes, the incum-bents, saving \$3,750 a year. Mr. Dowden, who has long been familiarly known in who has long been familiarly known in political circles as "Matty" Dowden is one of the Democratic leaders in the Eleventh Assembly District and a favorite of the Willoughby street machine. He was responsible for the premature circulation of the famous suppressed "text book" in the last campaign in which Tammany was badly scored. This will be Mr. Dowden's first experience as an ex-official in a great many years.

VANDERBILTS GIVE MUSICALE. Before It They Entertained a Party of Seventy Guests at Dinner.

Mr and Mrs. Cornelius Vanderbilt gave dinner and musicale last night at the Mrs. Ogden Goelet house at Fifth avenue and Forty-ninth street, which they have taken for the winter. The dinner was of taken for the winter. The dinner was of seventy covers and was served by Sherry at small tables placed in the dining room and conservatory. The ballroom was the scene of the musicale, which took place after the dinner. Mme. Sembrich Jan Kubelik and Jean Gerardy were the artists who rendered the programme, and Victor Harris was at the plane.

Freight Train Breaks in Two Causing

Danbury last evening and was bound for New York broke in two a half mile north of the Wilton station on the Danbury & Norwalk division of the New York, New Haven & Hartford Railroad, shortly after midnight, and then came together again a half mile below the station. The impact derailed three of the middle cars and threw them down an embankment. The engineer, Frederick E. Shove, of South Norwalk, was thrown from his cab and hurt.

Contributions to the Conscience Fund. WASHINGTON, Jan. 9 .- Two consciencetricken individuals to-day enriched the "Conscience Fund" of the National Treasury with remittances of \$100 and \$600, respectively. The former is by a person who signed himself "An Old Soldier," and the \$600 contributor says in his communication: "I return with interest, which is treble the original amount."

Fair weather was general yesterday. The last of the anowstorm was over Nova Scotia. A de-pression of considerable energy was over the North Atlantic Ocean. There was a second area of low pressure moving eastward over the Lake regions and an area of sich pressure in the Southern States, which indicates warmer weather for the Atlantic States for the next two days at least. It was mild for the season in all the States and the temperature was above freezing generally except in the Monte of States.

WARRISHTON PURPLANT FOR TO DAT AND TO

Our stores will be closed Friday, Jan. 10th.

| 1 hers | 10s East 23d St., orac oth As-| 12b W. 62d St., 0 + 8, 6th Ax. | 100 Madison Av., cos 60th St.

COPPER EXAMINATIONS HERE. SON IS AGAINST MRS. OAKES.

THE BOY SAYS HE SAW DEL SOL KISS HIS MOTHER.

and Evidence Is Brought in the Divorce to the Singer While He Was in Europe - The Story of a Jewelled Necklace

esterday in the suit of Francis J. Oakes gainst his wife. Adeline Estelle Sullivan Oakes, for absolute divorce, which has been on trial for the last three days before Supreme Court Justice Truex. This morning the addresses of counsel will begin and the case probably will be in the hands of the jury before night. The issue for the jury to decide is whether Mrs. Oakes was guilty of infidelity while she was in the Hotel Cecil. n London, the Hotel Chatain in Paris, and other hotels in Ostend, the corespondent being a Cuban opera singer named Alberta Solair, otherwise known as Mario Del Sol At the time her boy was brought upon

the stand Mrs. Oakes made dramatic demonstrations from her seat back of her counse and facing the jury. She rose and in a half coherent way uttered impassioned protests against the boy being made a witness. She was suppressed with considerable difficulty by her counsel and a court attendant and induced to sit down, but she again quickly ose and remained standing during the greater part of the boy's testimony, her ace more flushed and anxious than it has been at any time since the trial began

been at any time since the trial began.

The two points in the boy's testimony on which the counsel on both sides laid the most stress were the alleged kissing episode at the steamship landing in Liverpool and the alleged whipping episode in the Hotel Cecil in London. The French maid, Celine Ramezy, who accompanied Mrs. Oakes, the boy Paul and Miss Hallie Erminie Rives to Europe in the summer of 1900, testified that Mr. Del Sol, when he met Mrs. Oakes at the steamship landing in Liverpool, kissed her affectionately. This both Del Sol and Mrs. Oakes vehemently denied on the witness stand. The boy Paul swore with equal positiveness yesterday that the kissing did occur. In cross-examination Mr. Hummel, counsel for Mrs. Oakes, developed something very like a contradiction on the boy's part as to whether he did or did not accompany his mother down the gangplank. To the kissing event, however, he clung with great tenacity, asserting in redirect examination tha. Mr. Del Sol did kiss his mother and that he, Paul, was standing near his mother when this transaction occurred.

Much more of yesterday's testimony huffg upon the diamond chain, valued at \$2,500, which Mrs. Oakes said she left with a jeweler in London and which the counsel a jeweler in London and which the counsel for the plaintiff endeavored to show she pawned there. The insinuation of the plaintiff is that Mrs. Oakes pawned the chain, that Del Sol had the ticket, that Del Sol pawned the ticket to one Bowers for \$200, that when Mrs. Oakes sent Del Sol the money to redeem the pledge the pawnbroker would not give it up without the ticket, that Del Sol could not produce the ticket because he had not money enough to redeem it from Bowers, that Mrs. Oakes cabled the money required, £250, to the to redeem it from Bowers, that Mrs. Oakes cabled the money required, £250, to the pawnbroker, one Atterborough, that Mrs. Oakes notified Del Sol by cable that she had put the matter in the hands of the London and Paris police and that she herself went to Europe a second time to untangle the snarl and get back the chain.

In the course of Mrs. Oakes's crossexamination, which was resumed on the opening of court yesterday morning, she explained this matter to the jury. The explanation came as the result of the introduction by Col. Bacon, counsel for plaintiff, of a cable message sent from

plaintiff, of a cable message sent from New York by Mrs.Oakes to Del Sol in Paris and which read as follows:

Tell Bowers to give my receipt to Tiffany & Co. They will pay him the \$200. Cable me the truth about complications. Explain your dealings with Bowers.

"Explain what you meant by this cable-ram," asked Col. Bacon, Mr. Oakes's Mrs. Oakes turned to the jury and addiffer the dinner. Mme. Sembrich, Jan Kubelik and Jean Gerardy were the artists who rendered the programme, and Victor Harris was at the plano.

Freight Train Breaks in Two Causing Wreck.

Norwalk, Conn., Jan. 9.—A freight train of thirty empty cars that was made up at the plano was an order of the plane. The programme is a sum of the plane and addressed them formally:

"Gentlemen," she said, "when I was in Lendon I gave my chain to the jeweller. I gave the ticket to Mr. Del Sol. I came to America and cabled to Mr. Del Sol to get my chain and send it to me. The jeweller went to Paris on occasional trips. He took the chain with him but refused to deliver it to Mr. Del Sol because he was not extinded with the identification. Mr. Del satisfied with the identification. Mr. Del Sol turned the matter over to the Com-missioner of the Paris police and he took the chain. I cabled to Mr. Del Sol that I had missioner of the Paris poince and he took the chain. I cabled to Mr. Del Sol that I had notified the London and Paris police about my chain—not on account of Mr. Del Solbut because I feared I would lose it. The man Bowers cabled to me that he had paid Mr. Del Sola200 for the ticket for the chain so as to get money from me. It was not true; he did not pay a cent to Mr. Del Sol. Q. How do you know it was not true? A Because Bowers afterward admitted to me

> know what he was
>
> Q Did Mr. Del Sol hypothecate your diamond chain? A He did not
>
> Q Did he hypothecate the receipt for it? Q Did he hypothecate the receipt for the A He did not.
> Q Did Miss Rives travel with you and Del Sol from London to Paris? A She didlin the same compartment.
> Q Did you pay Mr Del Sol's travelling expenses? A I did not I never furnished Mr Del Sol any money.
> Q Did you send to Mr Del Sol or to his credit, on or about Nev 10, 1980, through the Bank of New Amsterdam, the sum of \$1.224? A I sent the money to Mr Del Sol to get the chain with but I don't remember the exact amount. He returned it to me afterwards with the ticket and I sot the chain. excluded from the room at the request of counsel for the plaintiff. He went out into

Because bowers was a pawnbroker or not. I do not bowers was a pawnbroker or not. I do not

the corridor and did not return until after the midday recess. Then the cross-ex-Q Did you ever give Mr Del Sol checks payable to bearer or cash? A I did not Here a number of checks were shown to the witness to refresh her memory, as amination proceeded. has all this to do with this case."

asked Mrs. Oakes angrily "I have had an account at the New Amsterdam Bank for years. When I wanted money I went to the bank draw checks and got it. I do

that he had a primate meaning that it committees a suggest primatation is finishe from the primatations in the finishe from the primatations in the thing is marked to be minimized. When subsent if Mr. Spakes had requiremented them to breaked attend from primate to primate with the first primate to primate with the first primate to primate with the first primate to primate the first primate that the first prima

Simple and Compar "He means," explained Mr Hummel, "Mrs Couper Union."

"I Baren showed Mr. Dei hol a letter,

BEST&CO

Right Protection For Children's Feet.

In wet, cold or snowy weather there is nothing of more vital importance to a child than proper protection for the feet. As with every other detail pertaining to Children's Outfitting we have given this the most careful consideration, and offer the following with perfect confidence that in style, comfort and wearing qualities they will prove to be exactly what is needed.

Children's and Misses' Rubber Boots with spring heels, extra high and light weight, \$2 to \$2.50.

Boys' and Youths' " Storm King" Boots with strap and buckle over the knee, \$2.50 to \$3.25.

Youths' Hip Boots, extra high; sizes 1 to 6, \$3.75.

Wool Lined Arctics, extra high and light weight, buckles or buttons; Children's sizes, \$1.50; Misses', \$1.75; Ladies', \$2.00.

Fleece Lined Romeo Rubbers and all other styles of rubbers carried in stock.

Hygienic Shoes-damp proof-the best possible shoe for winter wear; two styles: one for dress and one for every day wear, \$2.35 to \$3.75, according to size.

60-62 West 23d Street.

ART SALES AND EXHIBITIONS.

ART SALES AND EXHIBITIONS.

Important Art Sale WALDORF-ASTORIA.

The collection of Oil Paintings of a deceased connoisseur, sold by order of his widow.

She withholds her name from publication, but it will be given to buyers on request. Some additions have been made from various sources. The entire sale is positive and absolute. NOW ON FREE VIEW

Small Ballroom of the Waldorf-Astoria,

\$3D ST. SIDE, from 9 A. M. to 10 P. M.
Evenings of sale, Monday and Tuesday, January 13 and 14, in the Grand Ballroom of the Waldorf-Astoria, at 8:15.

THE EVENING SUN SAYS:—"It is an excellent collection of its kind—the kind that has as a base the work of such painters as Gerome, Schreyer, Perrault, Plot, Berne-Bellecour, Julien Dase the work of such painters as Gerome, Dase the work of such painters as Gerome, Dupré, Verboeckhoven, &c. Dupré, Verboeckhoven, &c. OFFICE, 33 ANI

written by Mrs. Oakes to the New Amsterdam Bank, directing that \$250 be cabled to Mr. Del Sol in Paris.

Q. Did you receive the money requested by that letter to be sent? A. I did not.
Q. Did you receive money, \$250, to pay your passage to this country? A. I do not remember.
Q. Will you swear you did not? A. I did not you go that you money. Q. Will you swear you did not? A. I did not get any money.

Q. Did Mrs. Oakes ever send you any money by cable? A. She did. It was in reference to some jewelry. I sent her a cable about jewelry. I do not remember sending her a cable on any other subject. Mrs. Oakes sent me money to take the jewelry out. I did not do it because I was very busy. I returned her the money. I do not remember whether Mrs. Oakes told me she would send me \$250 when she reached America. I think there was no such conversation.

Mrs. Oakes was recalled and produced

the was no such conversation.

Mrs. Oakes was recalled and produced two yellow waists which she said were part of the only yellow gowns she had. The object of these exhibits was to offset the testimony of the maid, Celine, who had sworn that at the Hotel Cecil one night when Del Sol was in Mrs. Oakes's apartments Mrs. Oakes had dismissed Celine saying that she would not need her services in undressing, whereas the waist of the yellow gown Mrs. Oakes was then wearing could not be taken off without assistance because it buttoned up the back. By direction not be taken off without assistance because it buttoned up the back. By direction of Mr. Hummel Mrs. Oakes removed the jacket of the street dress she was wearing in court revealing a waist under it that likewise buttoned all the way up the back to the neck. Turning her back to the view Mrs. Oakes demonstrated her ability jury Mrs. Oakes demonstrated her ability to unbutton this waist without assistance.

After this the cashier of the New Amsterdam Bank was called and testified to having cabled \$250 to Mr. Del Sol at Mrs. Oakes's direction. He also testified to having cabled \$240 to one Atterborough in London, likewise at Mrs. Oakes's direction. Mr. Hummel endeavored to introduce a visiting card of an Atterborough in London, described on the card as "a Mrs Oakes demonstrated her ability London, described on the card as "a licitor." This was excluded. The adin London, described on the solicitor." This was excluded. The address of the solicitor Atterborough was in Piccadilly. The address of the Atterborough to whom the money was cabled was in another street and the initials were not the same as those of the Piccadilly Atterborough.

Francis J. Oakes, called in rebuttal, testified that all he had ever asked Del Sol to do for Mrs. Oakes in London was to secure rooms for her in the Hotel Cecil, it being the Exposition year. He had not requested Del Sol to meet his wife at Livergood. On cross-examination he was con-

On cross-examination he was con ronted with a letter of introduction had given Del Sol to his daughter in Par-

and asked if it was genuine
"Yes," he replied. "I wrote that letter.
That was when I thought bei Sol was a
gentleman and before I had found out he
was a secoundre!

Mrs Oakes in her direct examination testi-

fied that she had not forced Mr Oakes is write a letter at the muzzle of a pistol She explained that she had asked Mr Oake to write the letter because he had accused her of all sorts of had things in the presence her of all sorts of bad things in the presence of her maid. Celine, and she wanted this certificate of character from Mr. Oakes to show to the maid. She said Mr. Oakes wrots it in hed and did it cheerfully. Mr. Oakes was not asked about this episode. He denied strenuously that he had over tried to get Mrs. Oakes to go out West and get a diverse.

get a divorce When young Paul Oakes came forward to teatify his head barely reached the top of the attorneys' table and he chimbed into the vitaces chair from which his feet

CONCILIATORS AVERT STRIKE

FIRST JOB OF THE CIVIC FED-ERATION'S COMMITTEE.

They Have Persuaded the Clething Cutters and the Clothing Manufacturers Demand for an 8-Hour Work Day.

The first result of the formation here last December of the Industrial Department of the National Civic Federation, of which Marcus A. Hanna of Ohio is chairman, was announced yesterday. The department, or Committee of 36, was formed to settle disputes between employers and

At a meeting yesterday afternoon of the By-laws Committee of the department, consisting of Lewis Nixon, Oscar Straus, Ralph M. Easley, Secretary of the con-ference; Marcus M. Marks, President of the National Association of Clothing Manu-facturers, and Henry White, General Secretary of the United Garment Workers of America, at the headquarters in the Church Mission Building at Fourth avenue and Twenty-second street, a settlement was reached in the threatened strike of the clothing cutters in which 40,000 workingmen might have been involved. It was said that the clothing manufacturers and the workingmen were both pleased that a strike had been averted. During the past year the clothing cutters

During the past year the clothing cutters have been preparing to demand an eighthour work day. They have been working nine hours a day. They number about 5,000 and are the best-paid and best-organized branch of the clothing trade. They proposed to strike if their demand for a shorter work day was not granted. The manufacturers had also conferred, and they were equally determined to resist the demand for an eight-hour day. A week ago it looked as though a strike was inevitable, and it would have involved all the tailors of affiliated trades. Secretary Easley met Messrs. Marks and White and got them to negotiating for both sides of the controversy, and the negotiations reached such a stage that when Messrs Nixon and Straus took part in the dis-Nixon and Straus took part in the dis-cussion yesterday an agreement was reached.

reached.

The agreement was a compromise and is to hold for a year. The exact terms are not disclosed. When the compromise agreement expires the cutters will again take up the demand for an eight-hour day.

It was said that this was the first time that representatives of the righting manufacturers and the employees had conferred since the big lockout in 1893. It is now hoped that the periodical disturbances in the clothing trade will be avoided.

Stokes Hotel Strike Declayed Off.

The strike on the blokes Apartment ward, was declared off yesterday and an agreement was eigned by which timen met will be employed, and the unions involved

INDIANAPOLIS, Jan. 8 - The employees

Imported Clocks Persons to Stack Taking we have so duced the prices on all our imported clocks. This is no equalized opportunity

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